

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

VERNA DIANNE DICKINSON and GREGORY DICKINSON

PLAINTIFFS

V.

CIVIL ACTION NO.1:06CV198 LTS-RHW

NATIONWIDE MUTUAL FIRE INSURANCE CO., ET AL.

DEFENDANTS

ORDER

In accordance with the Memorandum Opinion I have this day signed, it is hereby

**ORDERED**

That the motion [120] of Nationwide Mutual Fire Insurance Company for summary judgment is **GRANTED IN PART** and **DENIED IN PART**. The motion is **GRANTED** as to the coverage under the Nationwide policy for additional structures, and the motion in all other respects is **DENIED**;

That the motion [118] of Nationwide Mutual Fire Insurance Company for judicial estoppel is **GRANTED IN PART** and **DENIED IN PART**. The motion is **GRANTED** as to the question whether the insured property experienced damage to some extent caused by storm surge flooding. Plaintiffs are estopped from denying that the insured property experienced damage to some extent from the effects of storm surge flooding. This estoppel is based on the plaintiffs' representations in their application for a homeowners assistance grant through the Mississippi Development Authority. The motion in all other respects is **DENIED**;

That the motion [106] of Nationwide Mutual Fire Insurance Company to establish the fact of payment of the plaintiffs' claims by Audubon Insurance Company and the amount of this payment is **GRANTED**; and

That the motion [108] of the plaintiffs to exclude evidence concerning the settlement of their claim against Audubon Insurance Company is **GRANTED**.

**SO ORDERED** this 4<sup>th</sup> day of April, 2008.

s/ L. T. Senter, Jr.  
L. T. SENTER, JR.  
SENIOR JUDGE